

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

MARTIN JOHN GONZALES,

Plaintiff,

v.

Civ. No. 14-245 JCH/KK

SIERRA MARTINEZ *et al.*,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER comes before the Court on United States Magistrate Judge Kirtan Khalsa's Proposed Findings and Recommended Disposition (Doc. 63), filed October 20, 2016. In the Proposed Findings and Recommended Disposition, Magistrate Judge Khalsa recommended that the Court grant the motion to dismiss or for summary judgment Defendants incorporated in their *Martinez* Report (Doc. 54) as to Plaintiff's federal constitutional claims, decline to exercise supplemental jurisdiction over Plaintiff's state constitutional claims, and dismiss the state constitutional claims without prejudice.

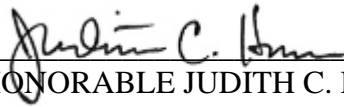
The parties have filed no objections to the Magistrate Judge's Proposed Findings and Recommended Disposition. Failure to timely object to a magistrate judge's proposed findings and recommended disposition waives appellate review of both factual and legal issues. *United States v. One Parcel of Real Property*, 73 F.3d 1057, 1059 (10<sup>th</sup> Cir. 1996).

IT IS THEREFORE ORDERED that the Magistrate Judge's Proposed Findings and Recommended Disposition (Doc. 63) are ADOPTED.

IT IS FURTHER ORDERED that the motion for summary judgment Defendants incorporated in their *Martinez* Report (Doc. 54) is GRANTED as to Plaintiff's federal constitutional claims.

IT IS FURTHER ORDERED that the Court declines to exercise supplemental jurisdiction over Plaintiff's state constitutional claims, and these claims are therefore DISMISSED without prejudice.

IT IS SO ORDERED.

  
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HONORABLE JUDITH C. HERRERA  
UNITED STATES DISTRICT JUDGE